

A SHORT
A C C O U N T
OF THE
BAHAMA ISLANDS,
THEIR CLIMATE, PRODUCTIONS, &c.

TO WHICH ARE ADDED,

Some Strictures upon their relative and political Situation, the
Defects of their present Government, &c. &c.

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Bot with the request of the
Hon Mrs Prescott of Boston

ADVERTISEMENT.

THIS is no *Catch-penny* Pamphlet, for not a copy of it ever has been, nor (we trust) ever will be, *sold*. It was written, some weeks ago, for the Information of the Ministry, and was therefore sent, in Manuscript, to the confidential servants of the Crown, principally entrusted with the direction of Colonial affairs.

But as the grievances of which it treats still remain *unredressed and unnoticed*, a few copies are now printed, in order to be submitted to the consideration of those to whom the People of an oppressed Colony may with confidence look up for protection and relief. X

X It is not intended for general publication, but only for the use of the Ministry, Merchants and parties concerned, - and became necessary on account of the great expense and delay attending the making of manuscript copies.

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SITUATION, PRODUCE, CLIMATE, &c

OF THE BAHAMA ISLANDS.

C H A P. I.

THESE Islands, so long neglected by the European powers, and unexplored even by the English settlers and their descendants, who for more than a century past have been planted upon them, must henceforth, as well on account of their valuable staple, as of their relative situation, be considered among the most important of our remaining Colonies.

They extend from the 21st to the 28th degree of North latitude, and from the 71st to the 79th degree of West longitude. The principal islands are twenty-six in number; the smaller islands, or (as they are called) *Keys*, amount to several hundred. Together they form almost one continued chain, extending from Turk's Island to the Grand Bahama, in a direction nearly N. W. and S. E.

The principal harbours at present known, are those of Exuma, Nassau, in the Island of New Providence, and Little Harbour at Abaco; but from the number, extent, and situation of these Islands, it is most probable there are many others equally good with those above-mentioned. That of Exuma is by far the best of the three; and they are all formed by one or more *Keys*, or smaller Islands, lying in front of the principal Island.

To perceive at one view the extreme importance of these Islands to Great-Britain, as well for the purpose of protecting our homeward-bound West-India trade, in time of war, as for annoying

that of France and Spain, nothing more will be necessary than to look at the map, and observe the only two passages by which ships can possibly return to Europe from Ports in the West-Indies, situate to the westward of Hispaniola. One passage lies between the west end of the last mentioned Island, and the east end of Cuba, by Crooked and Long Islands; the other, round the west end of Cuba, and thence through the streight lying between the coast of Florida, and the Islands of Abaco, Grand Bahama, &c. The former of these passages is commanded by Exuma, the latter by New Providence, Abaco, and the other Islands to the N. West. These will at all seasons afford safe harbours and places of rendezvous to our vessels, while the French and Spanish homeward bound ships must pass almost within sight of either the one or the other of them. From these ports our cruisers and privateers may attack them with every advantage, and their prizes may be sent, in the course of a few hours, into places of safety, so as to render re-captures in general impracticable.

After what has been said, it is easy to conceive to what dangers our Jamaica trade would have been exposed in time of war, had not the Bahamas been restored to us by the late peace.

But it is not the *situation* alone of these Islands that makes them of importance to Great-Britain; the great extent of our cotton manufactures, and the many thousand industrious labourers to whom they give bread, render the cultivation of that raw material an object of extreme national concern; and the experience of the last two crops, has abundantly evinced that the soil and climate of the Bahamas are as well adapted to the culture of Cotton as those of any other country we are acquainted with.

Yet the natural appearance of these Islands is far from being encouraging to the husbandman; in general they are either rocky and mountainous, or flat, wet and sandy. The soil is light and thin, and in most places sparingly scattered over a white, but porous and very soft rock. Of these the first strata are for the most part broken and unconnected, lying in sheets from three to six inches thick, and either covering, or covered by, some soil. But however little fertility appearances may promise, certain it is that the tropical plants thrive as well here as in any of the West-India Islands. This perhaps is in a great measure owing to the rocks themselves. These, from their very porous nature, necessarily receive a great deal of moisture, which they retain longer than it is possible for soil to do, in this hot climate; and they
certainly

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certainly yield their exhalations more sparingly to the rays of the sun. But whatever may be the *physical* cause, the *fact* is that the long droughts, with which these Islands are sometimes visited, are by no means so injurious to plants as they are found to be in most southern climates; indeed the Cotton, except in the planting season, requires less moisture than any other plant we are acquainted with.

Guinea-corn, Pease, Beans, Potatoes, Yams, Plantains and Bananas grow here in great abundance, and are cultivated with little trouble; in general they wither away in the dry season, but spring up again from the same roots for several years successively; by which means much labour is saved to the planter. The negroes are consequently fed at little expence, and without being dependant for their subsistence for supplies from abroad, which is too much the case in the other West-India Islands.

The Dye Woods are found in these Islands, but at present in no great abundance (perhaps because not sought after.) They have a variety of hard woods; and a small, but excellent species of Mahogany. Pine, of a tolerable size, and much harder than that of the Continent, is found upon some of the Islands, particularly on Abaco; and ship timber, equal to any in the world, for vessels as far as 200 tons burthen, is inexhaustible on the Northernmost Islands.

Pine-apples, Oranges, Limes, Lemons, and all the Tropical fruits; Coffee, Cocoa and Pimento grow extremely well here; and there is no doubt but the climate would be equally favourable to Indigo, Tobacco and Vines; but their most valuable production is Cotton; and while that bears any thing like its present price, it would be idle speculation to attempt any other staple.

Cotton was first planted in these Islands in the year 1785. The last crop amounted to 150 tons, the present (1788) to 250. This was a discovery left for the industry of the American Loyalists, and it has infinitely exceeded their most sanguine expectations. On Exuma, a planter, with no more than thirty-two slaves, has this year made nineteen tons of clean Cotton, worth on the spot upwards of 2660l. sterling, which is nearly double the whole value of the negroes by whose labour it was made. Upon that and other Windward Islands, people have in general been almost equally successful, and in many instances a ton, or a ton and a half, has been made by the labour of a peasant, his wife, and one or two children.

Salt also may be made in any quantities upon many of these Islands, particularly upon the Turk's Islands, Exuma, Ragged Island, and at Norman's Pond. The recent establishment of a Port of Entry at the former of these Islands will most probably give us the supplying of all the American States with this necessary article. At Exuma upwards of 100,000 bushels have been made within four or five months last past. The whole however lies there, without a market, on account of its considerable distance from Nassau, which (except Turk's Island) is the only Port of Entry in all the Bahamas. Nevertheless, it is obvious to every person acquainted with these Islands, that Exuma ought to be made a Port of Entry, and that in fact the seat of government should be removed thither, not only on account of its superior harbour, but from its eligible situation, which is central among the Cotton Islands*; for it is now certain that Cotton will not answer upon New Providence, or any of the Islands that lie to the Northward; for which reason the planters are all removing further South.

As many of the Bahama Islands lie within the tropics, it would be superfluous to give an account of their climate, which is like that of the West-India Islands in general. The same climate prevails also for near two-thirds of the year upon the Islands which are situated further North. But from November to April, during the prevalence of the North-west winds from the Continent, the air of these last mentioned Islands is within a degree or two of frost, and fires are then comfortable.

In so temperate a latitude, and encompassed by the sea, the air of which is on all hands admitted to be more salutary than that of a continent, the inhabitants of these Islands cannot fail of being healthy; indeed their very numerous families exhibit strong proofs, as well of the wholesomeness of the climate, as of the fertility of the women. On Harbour Island, among fifty-eight families (all natives) only five different surnames are found (Roberts, Russell, Saunders, Sawyer and Currie.) Of the Robertses alone there are *nineteen* families, all within three degrees of the same common stock or ancestor. The people of this Island in particular, are remarkable for their longevity.

* See a nautical account of these Islands lately delivered the Lords of the Admiralty, by Lieutenant Mowbray of the navy.

The first European settlement attempted in the Bahamas, was by the English in 1668, under a patent from Charles II. by which the territorial property of these Islands was granted to certain persons therein named. Little however was done, or attempted, at that time; and the Bahamas soon after became a haunt for pirates and robbers, whose depredations were facilitated, and retreats rendered secure, by the intricacy of their navigation.

In this state did those Islands remain for almost forty years, during a great part of which period a pirate, named Blackbeard, whose memory is still famous there, possessed the power of a petty Prince, and enriched himself and his followers by the plunder of the merchant-ships that navigated those seas.

To expel these free-booters, Capt. Rogers was sent out as Governor in the year 1718. He erected Fort Nassau upon the Island of New Providence, and there fixed the seat of Government. A Legislature must very soon after have been established, for we find one of their Acts of Assembly so old as the 2d of Geo. 2. about 60 years ago. Since the above period there has been some sort of Government, but by no means a regular or respectable one, in the Bahamas. In truth, the proprietors under the grant of Charles the Second gave themselves no trouble about the matter; and so little was done to encourage either Commerce or Agriculture in these Islands, that till lately they have escaped the attention of the British Government, which seemed content so long as they did not fall into the hands of any other power.

The inhabitants were poor, and by no means numerous; their only property consisted of a few small vessels, and some negroes. Their occupations were confined to fishing, wrecking, and wood-cutting. Agriculture they had none, nor did they conceive the country capable of it. Their only produce was a little fruit, with some yams, cassada and potatoes. They raised no Sheep nor horned Cattle. Their diet was fish, and even vegetables were unknown among them. In the year 1784, there were scarce any settlements, except on New Providence, Eleuthera and Harbour Island. The whole population then amounted to 1722 whites (men, women and children) and 2333 people of colour (a great proportion of whom were free); and at the utmost there were not 500 acres of cultivated land upon all these Islands. How much the matter is already changed, we shall soon perceive.

Their whole exports to Great-Britain during the years 1773 and 1774, amounted to no more than 5216l. 8s. 10d. (the principal

cial part of which consisted of wrecked goods); their imports from Great-Britain during the same period amounted to 3592 l. 0 s. 1 d. * So contemptible indeed was this government at that period, that the capital was taken, and the Governor made prisoner, in the course of the last war, by an American privateer commanded by Commodore Hopkins. The Americans however committed no depredations upon the inhabitants; and after a short stay left the Island. Our Government was thereupon re-established, but was soon after again interrupted by a considerable Spanish and American force from the Havannah, to whom the Island of New Providence, together with the rest of the Bahamas, were surrendered by capitulation in November 1781.

By the late Treaty of Peace with Spain, it was agreed that these Islands should be restored to Great-Britain; but previous to the notification of that event, a volunteer expedition was undertaken for their recovery by a very spirited young partizan, Lieut. Col. Deveaux, of the South Carolina Militia, and Capt. James Doyd, of the Ranger Privateer, of St. Augustine: they sailed from Florida with a force consisting only of two Armed Vessels and about 30 Militia, and, after picking up a few recruits at Eleuthera and Harbour Island, approached New Providence under cover of the night, took by surprise two stout galleys that guarded the Eastern entrance of the harbour, and turning their guns against one of the forts, soon drove out the troops that were in it. After this successful exploit, a handful of men was landed, and the Spanish Governor and the garrison, which amounted to near 700 regular troops, were intimidated into a capitulation, with a degree of gallantry and address that have seldom been equalled.

Florida being ceded to Spain, many of the inhabitants of that province, consisting principally of Loyal Refugees from Georgia and the Carolinas, removed in 1784 to the Bahamas, with their remaining property and slaves, and thereby doubled the population of those Islands. From that period their importance as a colony may be dated. They were soon after purchased from the proprietors by Government, and the progress they have since made will be obvious from the following state, for the accuracy of which we pledge ourselves.

* But in the years 1786 and 1787, their exports to Great-Britain amounted to 18,707 l. 10 s. 1 d. (exclusive of a great deal of bullion, of which no account has been kept.) Their imports from Great-Britain during the same period, amounted to no less than 136,359 l. 2 s. 1 d.

STATE of the Population, Agriculture, &c. of the BAHAMA ISLANDS in June, 1788, shewing the respective Numbers of the Old and New Inhabitants, their Property, Occupations, &c. the whole carefully collected from particular Returns received from the principal Islands.

New Inhabitants, &c. &c. &c.

Principal Islands, on which there are settlements.	White Male Heads of Families.	Planters residing on & more Slaves.	Mechanics.	Imports from Great Britain in the year				Exports to Great Britain in the year				Number of Slaves.	Acres of cultivated Land.	Of the Island.	Remarks.
				1773 &	1774	1786 &	1787	1773 &	1774	1786 &	1787				
New Providence	165	27	26	1	—	—	—	—	—	—	—	1264	3060	16	
Exuma	26	19	—	—	—	—	—	—	—	—	—	679	2591	—	
Long Island	29	19	—	—	—	—	—	—	—	—	—	476	2380	—	
Cat Island	28	16	—	—	—	—	—	—	—	—	—	442	1747	—	
Abaco	49	10	—	—	—	—	—	—	—	—	—	198	1837	—	{ Planters moving off.
Andros Island	22	7	—	—	—	—	—	—	—	—	—	132	813	—	
Crooked Island	5	4	—	—	—	—	—	—	—	—	—	357	—	—	Newly settled.
Caicos	6	5	—	—	—	—	—	—	—	—	—	214	460	—	Ditto.
Eleuthera, Harbour Island & Turk's Island	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Total New	330	107	46	—	—	—	—	—	—	—	—	3762	12888	16	

Old Inhabitants, &c. &c. &c.

New Providence	131	2	3	—	—	—	—	—	—	—	—	1024	255	1	
Exuma	11	4	—	—	—	—	—	—	—	—	—	75	354	—	
Long Island	42	12	—	—	—	—	—	—	—	—	—	306	1530	—	{ Also 21 Families of Colour.
Cat Island	12	—	—	—	—	—	—	—	—	—	—	16	250	—	
Abaco	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Andros Island	4	5	—	—	—	—	—	—	—	—	—	56	290	—	
Crooked Island	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Caicos	1	—	—	—	—	—	—	—	—	—	—	5	30	—	
Turk's Island	18	—	—	—	—	—	—	—	—	—	—	40	—	—	
Harbour Island	94	—	—	—	—	—	—	—	—	—	—	142	—	—	{ very old Settlement
Eleuthera	119	—	—	—	—	—	—	—	—	—	—	310	725	—	{ The 320, set down as Slaves, are mostly free People of Colour.
Total Old	430	21	3	—	—	—	—	—	—	—	—	1974	3434	1	
Majority of New Planters, &c. &c. &c.	—	86	23	—	—	—	—	—	—	—	—	1790	9454	15	
Majority of Old Inhabitants	100	—	—	—	—	—	—	—	—	—	—	—	—	—	
General Total both of Old and New	760	128	49	—	—	—	—	—	—	—	—	5696	16322	17	

* Exclusive of a great deal of Specie, received from the Spanish Colonies under the late Free Port Act, of which no account has been kept.

Council Chamber, 10th April, 1788.

"The opinion of the Board being asked, Whether in the present situation of this Colony, they thought it advisable to suspend one of the assistant Judges, to prevent further confusion in the Courts, till further orders from England."

"When the Board were unanimously of opinion that Thomas Atwood, Esq. should for that purpose be immediately suspended."

Of the nature of the confusion above insinuated, the inhabitants of the Bahamas are full to be informed: notwithstanding which, His Majesty's Ministers have, most probably, been made acquainted with every minute circumstance attending it.

The effects immediately resulting from the suspension of the Judges, are pointed out as distinctly and concisely as possible in a paper published on the occasion, in the Bahama Gazette, to which we beg leave to refer †. In this place it will be sufficient to mention only the most injurious of its consequences. These are the total discontinuance of a multitude of suits which were then pending,—the annihilation of the whole civil and criminal justice of the country,—the suspension of the Habeas Corpus, and the denial of all further process whatever. These amount to so violent an infringement of Magna Charta, and the declaration of rights, that a full explanation of the political necessity which required this high-handed exertion of the executive authority, seems due, not only to the oppressed people of those Islands, but to the dignity and justice of the British Government, and to the rights of the Empire at large. The rather, as its effects have already been ruinous to some individuals, and highly injurious to others ‡.

That it is the wish and the interest of some people in the Bahama Islands to promote confusion, no man who is acquainted with the needy circumstances and corrupt morals of the greater part of the few persons, who are admitted at Government House, can possibly doubt. But we assert, that since Lord Dunmore's arrival in those Islands (to go no farther back) there has been no public confusion,

* The Council conceive that it requires at least two Assistant Judges to make one sufficient Judge, and the idea (all things considered) certainly is not a bad one. By way, however, of making the matter perfectly certain, the only remaining Judge (Mr. Young) was also suspended a few days after Mr. Atwood.

† Appendix, No. I.

‡ See the Representation of the Merchants of London trading to the Bahamas. Appendix, No. XIII.

in any instance whatever, either in any of the Courts, or elsewhere within his Lordship's government; and that during the above-mentioned period, all and every part of the Bahamas have uniformly been in a state of profound peace and good order. The riddle however will best be explained by the simple mention of one well known fact, namely, that of his Lordship's two most confidential friends and necessary appendages, the one was under arrest for a large sum of money, and was moreover threatened with a prosecution for perjury, the other with two actions which he dared not encounter; and that scarce any other man in his Lordship's Government had access to him, over whose head executions were not hanging, or against whom actions were not pending. At present, however, they bid defiance to justice and to their Creditors.

But that no doubt might remain as to the true motive for shutting the General Court, three very ignorant Members were soon after appointed to exercise its criminal Jurisdiction; and they actually tried several prisoners for murder, and other capital felonies, but were not permitted to do any civil business. Now can it with decency be said that these Judges, appointed to dispose of the lives of British Subjects, could not safely be entrusted with the trial of petty matters of *meum & tuum*: or is it necessary to add that of *ninety-five suits*, at that time pending in the General Court, *forty-one* were against *friends* of the Governor's particular friends, or creatures, or perhaps *advisers*? (b)

Yet it is easy to foresee on what ground the vindication of the Governor and Council will be attempted. *The Loyalists settled in the Bahamas, we shall be told, are a faction, turbulent people, and since ever they went to those Islands have been labouring to thwart and insult their Governors; nay, it may perhaps be asserted, that they are in a state of insurrection: that the Governor is a prisoner to his house, and in constant danger of being driven from his Government.*

To contradict such assertions would, we trust, be mere loss of time; but it is due to those abused and misrepresented people, to declare that His Majesty has not, in any part of his dominions, a

• Appendix, No. II.

(b) In that unfortunate number indeed may perhaps be found the names of all the supporters of his Lordship's Government.

body

body of subjects more affectionately loyal, more submissive to the laws of their country, or more attached to our admirable Government, than the new inhabitants of the Bahamas. Having formerly indeed been accustomed to the blessings of an spright and regular administration of the Laws, they certainly are galled by that perversion of public Justice, which has always prevailed in the Bahama Islands, and for which they have never been more conspicuous than at the present period.

That dissensions have for some time past subsisted, and still do subsist, in the Bahamas, is acknowledged; but that those dissensions are well founded must at the same time be admitted; their principal source however is notorious, and shall now be fully and impartially explained.

Upon the great influx of New Inhabitants in the year 1784, our most Gracious Sovereign, ever attentive to the interests and happiness of his people, considered that as the Loyalists now formed, at the lowest computation, one half of the population, and possessed by far the greater part of the property of those Islands, it was but reasonable they should be admitted to a share in the Legislation. His Majesty was therefore pleased to direct that the Assembly, then sitting, should be dissolved, and that a new general Election should take place.

Unfortunately, some little jealousies had arisen between the Old and the New Inhabitants; and these, by designing men on both sides, were worked up into Party dissensions. The then Governor, Colonel Maxwell, had also many personal grounds of displeasure against certain individuals among the Loyalists, and these operated to the prejudice of the whole body. He therefore sided with the opposite Party, and assisted by the Provost Marshal, exerted himself so effectually in their behalf, that a *packed* House of Assembly was returned.

We have said this House of Assembly was *packed*, and we will now shew that it was so. Indeed as this has since been the only bone of general contention, a full explanation of it seems necessary.

The Assembly was to consist of twenty-five members, and as the Provost Marshal was the sole returning Officer for all the different Islands and districts, it is easy to perceive that he might pack this *branch of the Legislature*, with the same facility that the Sheriff of a County may pack a *jury in England*; and so it happened in this instance.

Four Members were to be returned for Nassau, and two for the Western district of that Island.

For Nassau there appeared eight Candidates, and at the close of the Poll the Votes were thus:

For Mr. Johnstone	110	For Mr. Baldwin	94
Mr. Mills	108	Mr. Lightburn	92
Mr. Ferguson	107	Mr. O'Halloran	90
Mr. Wood	107	Mr. Roker	88

For the Western district there were four Candidates, and on the close of that Poll, the Votes stood thus:

For Mr. Moss	77	For Mr. Martin	62
Mr. Tattall	74	Mr. Smith	57

Messrs. Baldwin, Lightburn, O'Halloran, and Roker, the unsuccessful Candidates for Nassau; and Messrs. Martin and Smith for the Western District, severally demanded Scrutinies, which were granted, and days were appointed for proceeding upon them. The Polls in the mean time were sealed up by the Marshal and by the several Candidates, and certified Copies of them were taken by each Party. Upon the arrival of the time appointed for the scrutinies, the Candidates in possession of the plurality of Votes, conceiving that, by the Law of the Islands, the returning Officer was not competent to grant a Scrutiny; but that the matter could only be determined by the House upon a special return, refused to attend, and protested against any further proceedings on the part of the Marshal. Upon this, without entering at all upon the Scrutiny in either Case, without examining or rejecting any one Vote as bad, without even opening the Polls, or taking any step whatever to reduce the greater number of Votes to the lesser, the Marshal, at once, generally returned Messrs. Baldwin, Lightburn, O'Halloran, and Roker for Nassau, and Messrs. Martin and Smith for the Western district, and swore they were duly elected (s).

Indeed so very extraordinary did this procedure appear at the time, that the Marshal was repeatedly cautioned by the Counsel retained by Messrs. Baldwin, Lightburn, &c. against making such a return, and was urged at least to open the Polls, and strike off as many of the Votes given for Messrs. Johnstone, &c. as would leave majorities to the other sets of Candidates; but it was all in vain; and the return was made as above set forth. The Provost

Although it is remarkable that the form of words used in the Writ of Election, was that he should make return of such persons for each of the Islands and Places aforesaid, as should appear to have most Votes.

Marshal

Marshal is now in this Country, and if we have mistated any part of this transaction, let him set us right.

But to proceed.—Upon the meeting of the Assembly, Mr. Roker was chosen speaker, notwithstanding the contest that was to take place respecting his Election. The Six Candidates, thus strangely thrown out, appealed to the House, but the Six Members whose seats they demanded, and who formed one-third part of the house then present, insisted *on sitting as Judges in their own cause*; and to this extraordinary proposal the majority of the House (of which majority these six members formed the greater part) easily acceded; upon which four other Members, shocked at the manifest injustice of such measures, left the Assembly, to which they have never since returned. Their seats were thereupon declared Vacant, and although the Loyalists have frequently been elected to fill different vacancies that have happened since that period, they have uniformly refused to sit in an Assembly thus, as they conceive, improperly constituted.

The Bulk of the people being thus dissatisfied, and in so tender a point, it cannot be considered as surprizing if they have sometimes expressed their complaints in terms of *strong indignation*. These have hastily been considered as the result of a *factious spirit*, and have perhaps been the means of preventing the redress of a grievance, which certainly has too long existed. Mr. Maxwell, who was charged with being at the bottom of this business, having turned a deaf ear to the prayers of the Loyalists for a dissolution of this newly elected Assembly, he became an object of detestation to them, and was upon several occasions (we are sorry to say) treated with a degree of disrespect and personal insult, which, *to the representation of the Sovereign*, were highly reprehensible.

At length, however, Mr. Maxwell was recalled, and was succeeded by Mr. Powell, a Loyalist, a man of the highest integrity, of the most delicate sense of honor, and beloved by every person who knew him: but the best intellects are liable to be impaired by years, and such was the case with this good Old Man. In fact, he *was far advanced in his dotage*. The Loyalists, over whom he was to preside, having many of them formerly lived in the same Province with him, regarded him with a degree of filial piety, but unfortunately the Assembly, the old Bone of contention, still existed. Mr. Powell was urged to dissolve it, and thus put a period to dissensions which could not otherwise be healed; but the prayers of one half the people, and of *all the Loyalists*, were heard

in vain. In truth, the Commander in Chief is to be directed in all matters of Government by the advice of his Council; and except one Member, this Council consisted entirely of Old Inhabitants. They had moreover most unconstitutionally voted at the last general Election, and their Votes were uniformly given in favor of the persons who formed the present House. These circumstances explain fully the reasons why this Assembly, so long and so generally reprobated, is still upheld.

Mr. Powell however got out of the dispute, by paying his debt to nature, and the command devolved upon Mr. Brown, President of the Council, an Old Inhabitant, and a man of most respectable character. His Government lasted near two years, during which time, as he convened his Assembly but seldom, and only for the purpose of continuing laws that were about to expire, he was troubled with no applications upon the subject of a dissolution; *Party dissensions died away*, and his Government was the easiest and most prosperous that ever was experienced by the people of the Bahamas.

At length Lord Dunmore was appointed, and his arrival was looked for with the most anxious expectation. In October 1767, he landed at Nassau, amidst the acclamations of every description of the people. A Governor of his elevated rank was universally considered as no small acquisition to an infant Colony; but his attachment to his King and Country during the late rebellion, was what rendered his appointment peculiarly grateful to the *Loyalists*. Every endeavor therefore was used to make his Government agreeable and comfortable; and although a dissolution of the Assembly was considered as a matter of course, yet not a word was said upon the subject, but it was left to come spontaneous from his Lordship's Justice, and regard to the happiness of the people over whom he was set. This Boon, so anxiously wished for, remained unsolicited, in order that its value might be enhanced, by the gracious manner in which it was to be conferred. When however three months had elapsed, and the Assembly, which was then sitting, was proceeding to enact the most inexpedient and oppressive Laws, Petitions, praying for a dissolution, were presented from all the Islands on which any of the Loyalists were settled. These were couched in the most moderate and decent language †, were signed by a clear majority of the most reputable Planters, by all the Merchants, and

* Stokes Col. Conf. 14.

† Appendix, No. III. IV. V. VI. VII.

By most of the Inhabitants of those Islands not immediately connected with the administration. They were however rejected, in a sort of language which seemed to add insult to injury; and it may with great truth be said, that his Lordship has since marked out as objects of his *personal resentment*, every man whose name he has found subscribed to any of those Petitions; insomuch that he has in a manner *declared war* against one half the people over whom he is placed. Thus have the public clamours been revived; they will continue during the existence of the cause in which they originated; and whilever they do exist, the progress of the Bahama Islands must necessarily be retarded.

It is proper however in this place to correct a mistake, under which many people in this Country labour, and which has industriously been inculcated into the Ministry; namely, *that the disputes in the Bahama Islands are between the Old and the New Inhabitants*. But this has, of late, been by no means the case*; all animosities, between these two descriptions of the people, having died away under the mild and upright Administration of Mr. President Brown. To *revive* them, indeed, every petty artifice has of late been used, but with very little or no effect. The *Old* Inhabitants (who have generally been accustomed to the wretched sort of Government they now live under) are undoubtedly more *patient* than the *New*. But that they feel the grievances under which their Country groans is now very evident†. The contest, we assert, is between the Governor, Council and Assembly (who form a most oppressive and contemptible oligarchy) on the one side, and *every man who dares think for himself*, on the other. Many Members of the Assembly too, (who are, for the most part, well-meaning, industrious, uninformed men) now perceive how egregiously they have been duped and enslaved, but know not how to emancipate themselves.

* Vide ante, p. 14. also Appendix, No. III.

† Vide Appendix, No. K. and the notes thereon.

[1]

C H A P. III

Other Sources of Discontent.

BUT the foregoing are not the only sources of discontent to the people of these Islands. There are others, and some of them of so atrocious and personal a nature, that we are aware it will be difficult to discuss them *without making very free with characters*. But whatever pain we may occasion, the wound must be probed to the bottom, as the only means of getting at the poison.

The Governor.—The character of this Nobleman is so generally known that it is almost superfluous to give it here. Obstinate and violent by nature; of a capacity below mediocrity, and little cultivated by education; ignorant of the Constitution of England, and of the Rights of British subjects; his principles of Government are such as might naturally be expected from the lordly despot of a petty Clan. Nor is his private life by any means less reprehensible than his public character. To descend to particular instances where his arbitrary and ungovernable temper has overleaped all the bounds of law, justice and common decency*, would be exceeding the intention of this publication, and is further prevented by a regard to the feelings of his amiable family and noble connections. We shall therefore content ourselves with observing that even his Lordship's elevated rank (a flattering circumstance to an infant Colony) has, paradoxical as it may seem, been of prejudice to him in his New Government. For in proportion as it excited the greater expectations, the more cruelly have those expectations been disappointed; as it held his Lordship up the higher to the public view, so much the more conspicuous have his defects been rendered. Unfortunately too for his Lordship, he soon fell into the *lowest and worst* hands in his Government.

Of the Council and Assembly.—As the Council in the Colonies form one branch of the Legislature, and in that capacity resemble the Lords in England, it is but decent, as well as proper and politic, that they should be composed of men of the first weight, character and information in the Community. Accordingly, the Members (by His Majesty's Commission to the Governors) are

* Some of the most remarkable of these have lately been stated to Lord Sydney, the Secretary of State for the Home Department, in a variety of Memorials presented on the part of the persons aggrieved: but as yet they have not been attended to.

directed

directed to be chosen from the principal Freeholders and Inhabitants of the Colony. Now, in all the Colonies, the principal people, those necessarily best acquainted with the Public Interest, and most concerned in its promotion, are the Planters, Merchants and Lawyers. Yet in His Majesty's honorable Council of the Bahama Islands, only one Planter and one Merchant are to be found, and not a Lawyer. Very few indeed, it must be admitted, of the men who form this branch of the Legislature, are possessed of that weight, information, property, or character, which seem indispensably necessary to their dignified station; but on the contrary it is easy to point out among them some destitute Bankrupts and habitual Drunkards of the lowest description.

We have before hinted at the Character of the present House of Assembly, the Members of which, from their occupations and situations in life, can for the most part be little qualified for their legislative functions. In this branch of the Legislature we find four (very inconsiderable) Planters; but neither a Merchant, nor a Lawyer, nor any man of respectable property, as will appear by the following list; and it is astonishing how tamely these people have been led, and how implicitly they have obeyed the Mandates of a very few designing, artful Men.

D

NAMES

NAMES of the MEMBERS composing the Legislature of the BAHAMA ISLANDS, with an Estimate of their Property.

In the Council of the Bahama Islands.

Those marked † are New
 Inhabitants, the rest are
 Old.

	Planters.	Merchants.	Lawyers.	Slaves, including Household Servants.	Acres of Improved Land.	Offices and Occupations.
Mr. Brown (President)	—	—	—	16	—	Assistant Judge, General Court.
Mr. Hunt	—	—	—	17	—	Collector of Customs.
Mr. Swilling	—	—	—	11	—	Advocate General.
Mr. M'Kenzie	—	—	—	12	—	—
Mr. Tannall †	—	—	—	71	200	Surveyor General of Lands.
Mr. Barry	—	—	—	1	—	Treasurer.
Mr. Boyd	—	—	—	—	—	—
Mr. Miller	1	1	—	19	—	Plantation now settling.
Mr. Gamble	—	—	—	7	—	Commissary of Provisions.
	2	1	0	156	200	{ N. B. Nearly half the Negroes, and all the improved Land, belong to Mr. Tannall.

In the General Assembly.

Mr. Roker (Speaker)	1	—	—	14	—	Plantation now settling.
Mr. Lightburn	1	—	—	37	100	—
Mr. O'Halloran †	—	—	—	6	—	Post Master.
Mr. Smith	—	—	—	5	—	Shopkeeper.
Mr. Martin †	—	—	—	14	—	Judge of Petty Court.
Mr. Sweeting	—	—	—	10	—	Wrecker, Woodcutter, &c.
Mr. Carmichael	—	—	—	—	—	—
Mr. Darrel	—	—	—	5	—	—
Mr. Rumer	—	—	—	4	—	Shopkeeper.
Mr. Pinder	—	—	—	28	60	—
Mr. Kemp	—	—	—	10	—	Wrecker, &c.
Mr. Glinston †	—	—	—	6	—	Has a small Vessel.
Mr. Higgs	—	—	—	20	—	Wrecker, &c.
Mr. Petty	—	—	—	5	—	Ditto.
Mr. Baird	1	—	—	14	70	—
Mr. Willson	1	—	—	20	100	—
Mr. Henzell	—	—	—	6	—	Wrecker, &c.
	4	0	0	200	330	
In the Council	2	1	0	156	200	
In both Houses	6	1	0	356	530	
In all the Islands	128	29	9	5696	16322	
Of whom are Loyalists	107	26	8	3762	12888	

Here then we perceive that only five Planters and one Merchant have places in the Legislature of these Islands; and that they have not had a Lawyer among them to assist in framing the very many Laws which they have enacted. Yet we have shown by a former table, that in these Islands there are 128 Planters (possessing 10 Slaves or more) 29 Merchants; and there are not less than eight or ten Lawyers.

It is further observable that the only Member of the Council, who has an Acre of Cotton, is an American Loyalist, and that he possesses nearly as many Slaves as all the rest of his Brother Counsellors put together.

But further, if we even suppose the 335 Acres of cultivated land, belonging to the four Planters in the Assembly, to be entirely planted with Cotton, still not more than 23 Tons can be expected from it, which is very little more than *one Planter* has made this year upon the Island of Exuma.

From a Legislature composed of such persons, it would be absurd to expect much wisdom, or any regular System of local law. Accordingly, that they have very seldom made a good law we do not hesitate to assert; but that they have enacted many that are palpably absurd, inexpedient, unconstitutional or oppressive, we appeal to the Records of the Plantation Office (d). One sample will be sufficient to show the complexion of their laws in general. By one of these, enacted several years ago, but still in force, and unrepealed, "If any person shall wilfully or *carelessly* set fire to any standing woods, being convicted by the Oath of one credible witness, *before any Justice of the Peace*, he shall forfeit, for the first Offence 20 L. for the second 50 L. On Non-Payment *shall be whipt at the discretion of the Justice*, and be imprisoned for six months; and, for the third Offence, shall suffer death (e).

Yet if the Legislature of these Islands has from time to time, for fifty years last past, been called together to do mischief to their Country, it must be allowed they have had some temptation to a continuance of their labours: for the Gentlemen of the Council

(d) Vide Court Laws, Negro Laws, Import Laws, Post-Office Law, &c. The late amendment to the Negro law has thrown the whole Colony into Confusion. Vide Appendix, No. IX.

(e) By another of their Laws, a duty of six pence per Gallon is laid on the importation of Rum, the produce of our own Islands, while the same act imposes a duty of shillings per Gallon on French Rum, the importation of which is totally prohibited by stat. 4. Geo. 3. ch. 15.

help themselves to seven shillings sterling a day, during their Sessions, and the Members of the Assembly to four and six-pence, which with most of them, after what has been stated, may easily be conceived to be an object of no small importance.

This accounts for the enormous impositions laid, not only upon the Import, but upon the Export, Trade of these Islands: this accounts for their total want of police, and of Public Buildings: this explains the reason why, dangerous as their Navigation is, not a light-house, or a Beacon, has ever been erected in any part of the Bahamas.

Courts of Law.—But by far the greatest evil under which these Islands have groaned, has been the enormous Mal-administration of Public Justice. The Judges, as far back as we can trace them, have *never been Lawyers*, nor has their unpardonable *ignorance* been always their most dangerous disqualification. A want of *common honesty* has sometimes been objected against them, and the most *beastly drunkenness* has not unfrequently polluted the Seals of Justice. In the Court of Vice-Admiralty, which has cognizance of Offences against the statutes for regulating the Plantation Trade;—where the practice is according to the forms of the Civil Law;—and where a *sole Judge decides, without a Jury, upon all matters, not only of Law, but of fact*: Of this Court (in which, inconsiderable as the Trade of this Colony yet is, no less than *twenty-seven Vessels, with their Cargoes, have been prosecuted to Condemnation, within less than two years last past*;) the present Judge is a most ignorant *Quack Doctor*, and was formerly *Master of a Guinea Ship*.

Of the Court of Chancery something must be said; and yet so few Suits are brought in this Court (owing to its defective constitution, and the exorbitant fees of the Judges) that it has fewer opportunities of *doing mischief* than any other of the Courts.

In this Court, the Members of the Council (in conformity with an Act of Assembly passed in the year 1760 or 1761, with a clause *suspending its operation*, until the Royal Pleasure should be signified, which pleasure, however; *never yet has been made known*;) contrary to the Governor's appointment as Chancellor, sit as *assistant Judges*, and decide *by plurality of voices*, in all matters that come before them.

The inexpediency of such an Establishment, particularly in a small Colony, is self-apparent, and is sufficiently shewn by a late

late Provincial Chief Justice, who had abundant opportunity to perceive its defects, and to whose book we beg leave to refer*.

But independent of every other consideration, the fees of those Judges are an *intolerable tax* upon the suitor, who pays to each of them nearly two Spanish Dollars for every attendance, and four Dollars for each decree; so that about 6l. sterling is paid to them on almost every motion in a suit, besides 12l. for their decree.

Now when to all this, the Fees of the Chancellor, Counsel and Officers of the Court, come to be added, it will not be surprizing, if *recourse is seldom had to this Court for Justice*. It is further extraordinary that those Fees are exacted under an *Ordinance of the Court* (made 26th May, 1773) "*over and above the fees established by law.*"

So very *irregularly* too has the business of all these Courts been conducted, that scarce a record is to be found, in any of them, so far as four years back. Nor have they any known rules of Practice, except the General Court, which has *four* very stupid ones, made by a late Chief Justice; who, when he was pressed to establish a regular Code of Rules, declined the matter, saying, "*things had better remain in the old way.*"

The Court of Chancery also has one (only) Rule, by which the Officers are forbid to receive any Bill, until a sufficient recognizance shall have been entered into for the *Payment of the Judges fees*. This security however became the more *necessary*, as the taking of those fees happens to be directly *contrary to Law*.

The Negro Court.—This Court, instituted under the most specious pretences, was intended for two shameful purposes; namely, to harass the New Inhabitants (whose Titles to their slaves, it was foreseen, it would, from many circumstances, be in general difficult, and frequently impracticable, to prove) and to establish two or three Cotton Plantations for a rapacious and needy individual. Both these ends have most effectually been accomplished.

To enumerate all the defects of the Law, by which this Court has been constituted, would take up too much room here. We therefore beg leave to refer to the Law itself, and to some Observations which we have already had occasion to make upon it in another place†. It will at present be sufficient to say, that by this

* Stokes Col. Const. page 197.

† Lately delivered in at Lord Hawksbury's Office, annexed to a copy of the Law.

Law, the Trial by Jury is unnecessarily and wantonly taken from the subject; that, in lieu of it, an unconstitutional Tribunal, consisting of three persons, nominated by the Governor, chiefly *pro hoc vice*, and removable at his pleasure, is substituted to decide upon all questions of Negro property, which in the Bahama Islands is the principal property of the people; that the most improper persons have, from time to time, been appointed to put this Act in force; that they proceed upon no established principles, and that their practice is governed by no certain or known rules; that under colour of this Law, the Planter has, in some instances, been robbed of his property, by arbitrary decisions, to which he has not been made a party by any previous process, or notice of Trial; that, in other instances, Slaves have illegally and shamefully been inveigled, by persons high in Office, from the service of their lawful Owners; that even after they have been traced to hiding-places, which *here* shall be nameless, they have during the tedious pendency of a frivolous suit, been openly employed at work upon the Plantations, and about the houses of to whose use their labour has most unjustly and oppressively been converted; that the Slaves in the Bahama Islands (who greatly outnumber the whites) encouraged by this Act, by this Court, by Proclamations, and by other means, have broke out into some Acts of open rebellion; and that the Town of Nassau is actually overawed by a considerable body of runaway and other Negroes, collected and kept together in the neighbourhood of Government House, and about Fort Charlotte, in open and flagrant violation of the Laws of the Colony, and in the face of repeated presentments solemnly made by the Grand Inquest of those Islands*.

And here it will not be improper to take notice of the reason assigned for the establishment of this Court. "Many Negroes," (it has been alledged) "either entitled to freedom,—or belonging to persons who are now subjects of the American States,—have been trepanned from the Continent to the Bahama Islands, where they are illegally held in bondage." The latter part of this charge we have no doubt may, in some very few instances, be true; but that the assertion has little foundation in fact, has recently been very effectually proved;—for the Slaves upon Abaco (to which Island the negroes of the above descriptions were said to have been

* Vide Appendix, No. IX, X, and XI, and notes there.

principally

principally conveyed) having taken up arms, the Governor went thither in person, carried with him the Judges of a Court *illegally* constituted, and gave a general invitation to the Negroes to come in and claim their freedom; to which their Owners made no opposition. Yet upon that occasion only thirty Claimants appeared; of whom *twenty-nine* were adjudged to be Slaves, even by this Court, held under the Governor's *immediate inspection*?

The Inferior Jurisdictions subject to no control.—One great evil arising from the shutting of the General Court, remains still to be mentioned. That Court being the only *superior* Court in the Colony, was of course the only Court of *Control* over the *Inferior* Jurisdictions. It would therefore seem that these last should have been suspended, at the same instant with the former. For otherwise they ceased to be *Inferior* Courts, having now no *superior*, and might with impunity commit errors, and heap oppressions upon the Subject, who was thus deprived of a possibility of appeal.

Nevertheless the Negro Court, and the Court of Vice-Admiralty have, without interruption, continued to exercise their several jurisdictions, and have afforded abundant room for fruitless complaint. The oppressions of the former of these Courts have already been commented upon. As to the latter, no sooner was the General Court shut, but the then Judge (a Gentleman of most respectable character) was arbitrarily removed, without even an allegation to his prejudice, and his Commission was conferred upon the most improper person that could have been thought of. Vessels were immediately equipped; Custom-House Officers of a very novel description (*appointed by the Naval Officer*) were put on board them: Seizures were made, as well by land as by sea: Without writs of Assistance, or any other legal process or authority whatever, houses were broke open and ransacked, even upon the Sabbath-day: and the approach of so many *Algerine Rovers* could not have struck more terror into the minds of the Inhabitants, than they were filled with when the Governor's *Cruisers* visited their defenceless Islands. Yet to have asserted their right to the property of which they were plundered, would have answered no other purpose but that of adding to the original loss; for such was (and still is) the character of the Court of Vice-Admiralty, in which these seizures have been prosecuted, that

* Vide Appendix, III and X. &c.

to put in the best founded Claim, would probably have saddled the Claimant with the payment of heavy Costs, and that under a decree from which it would be difficult to appeal †.

Other matters.—To conclude this long chapter of grievances, we may add, that Lord Dunmore in Council, soon after his arrival in the Bahamas, made some considerable additions to his own *Fees of Office*, to those of his Secretary, &c. in direct violation of the Law of the Islands *: That at the same time that His Lordship has prodigally squandered away the Crown Lands upon himself and his friends (who besides having no just pretensions to them, have not slaves for their cultivation) he has illiberally and capriciously withheld His Majesty's most gracious bounty of Lands, from Officers who from their rank and services were justly intitled to them; under the Royal Proclamations and Instructions: that his Lordship has capriciously and oppressively refused the Seal of the Islands, to which Merchants and others are by Law intitled, for the authentication of Deeds executed there, but intended to operate without the Government: that his Lordship not only privately assisted one of his friends in making his *escape* from an action of which his Lordship had formal notice, and from another which was about to be brought against him, but actually furnished that person with an *undue* Passport, by which, contrary to a Law of the Islands, he was enabled to elude those suits: And, to end the Catalogue with a charge which may perhaps appear *incredible*, his Lordship has endeavoured to alarm the minds of the people within his Government, by circulating strange reports of *conspiracies* entered into by the *Loyalists* (those Loyalists who have bled so freely in the cause of their King and Country) *to throw off their allegiance to Great-Britain*, (that kind and beloved parent for whom it has been their glory to sacrifice their all,) *in order to put themselves under the protection of a Rebel Congress*, the implacable enemy, by whom *that all* has been wrested from them ‡.

† Where the matter in contest is below the value of 500l. the party conceiving himself aggrieved is not strictly intitled to an Appeal; and in the seizures above alluded to the property was in no instance of that amount.

* His Lordship did precisely the same thing upon his taking possession of the Government of Virginia. But the Assembly of that Province soon put a stop to it, in rather an *unpleasant* way. Lieut. Gen. Casseyngham (as well as we can recollect) was, seven or eight years ago, recalled from Barbadoes, on the application of the Assembly, for doing a thing of the same sort.

‡ It is not impossible but some traces of this *immense Plot* may be found in his Lordship's Letters to the Secretary of State. Indeed this is more than *conjecture*. But whether the propagation of such a story discovers more of *weakness* or of *malignity*, it is difficult to determine; for certain it is that no man in his senses could possibly believe one word of the matter.

C H A P. IV.

Of the Administration of Public Justice in the Colonies in general.

NO part of our Colonial System (if any such we have hitherto had) has teemed with more evils than have sprung from this particular source; and yet it would seem as if an easy remedy might be applied to the disease. The author therefore flatters himself that some standing at the Bar in Westminster Hall, joined to a considerable practice in several of the Colonies, will defend him from the imputation of arrogance, when he takes the liberty of throwing out the following hints upon so interesting a subject, to which the matters treated of in the preceding Chapter have naturally given birth.

The principal Courts of Justice in the Colonies are, the Court of Chancery, the Court of Errors, the Supreme or General Court, and the Court of Vice-Admiralty.

In most of the Colonies the Governor is sole Chancellor, and in all of them he *ought* to be so. But as it is the present very proper Policy to have Military Gentlemen for Governors, it seems to be a matter of some doubt, whether, in general, even with the best dispositions, it will be in their power to "*administer Justice according to Law.*" Masters of the Rolls then should be appointed, and these of course ought to be Lawyers.

The *Court of Errors* is composed of the Governor and Council. To this Court Writs of Error lie from Judgments of the Supreme or General Court, and from this Court of Errors to the King in Council. But the Writ of Error from the Supreme or General Court to the Court of Errors is nothing more than a solemn, and most expensive *force*; for the Judges of the Court below are, for the most part, the only Lawyers who have Seats in Council. Yet they cannot sit as Judges in Error, because in that case the appeal would, in fact, *be to themselves from their own Judgment.* They however stand, and explain the reasons on which their Judgment was founded; but as those reasons are in general beyond the comprehension of the rest of the Council, they will either confirm the Judgment without knowing why, or will reverse it without being able to tell wherefore. The probable consequence of which will be, that the matter will not rest there, but that a Writ of Error will

will be brought upon their Judgment *before the King in Council*, (where Justice will assuredly be obtained in the end.) It would however be a vast saving both of time and of expence, if one link in the chain were taken away, and a Writ of Error were allowed immediately from the Supreme or General Court, to the King in Council, or perhaps to the Court of King's Bench, as being the cheaper of the two, more regular in its Terms for business, and its forms more generally known.

The next Court in order is the *Supreme or General Court*. In this Court, by whatever name it is called, the Jurisdiction of all the Superior Courts known in England are generally consolidated. It is a Court of King's Bench, Common Pleas, Exchequer, Court of Nisi Prius, Oyer and Terminer, General Gaol delivery, &c. A vast extent of Jurisdiction! and, as we have seen, in fact under no controul whatever, except ultimately in England. The Judges therefore of this Court ought indispensably to be Lawyers.

The Judge of the *Court of Admiralty* ought undoubtedly to be a Lawyer also, as his decisions must very frequently turn upon critical constructions of our numerous Trade-Laws. But, as the Judge of this Court is generally ignorant of any Law at all, and master of no principles, by which to direct his interpretation of the ambiguous clauses of seemingly jarring statutes, it is easy to conceive how frequently he must be lost in the Mazes of the Law, and left to grope his way without a thread to guide him—his safest course then is that to which chance may point—the *cast of a Dye*, or of a *Halfpenny*.

That the evils abovementioned do in reality exist, is I believe on all hands admitted. But how, it will be asked, are they to be remedied? will not the cure be attended with an expence more intolerable than the disease? To which we answer, the remedy is simple, the expence light:—Two additional Judges only are wanting. One Thousand a year will be sufficient for the purpose, and will procure Lawyers to accept the appointments.

It may be managed in this way. Let the Supreme or General Court have *three* Judges, which are enough, and for some obvious reasons better, in the Colonies, than *four*. The Chief Justice is already paid by Great-Britain; then give the two Assistant Judges Salaries of 250 l. let one of them also be Judge of the Court of Vice-Admiralty, and the other be Master of the Rolls, with Salaries of the same Amount to each of those appointments. This will make their income 500 l. a year; and as their constant residence in the Capital

Capital will not be necessary, they may live more at their ease upon this Sum, in the Colonies, than most practising Lawyers do by their professional income.

A difficulty, and one perhaps that may be considered as insurmountable, still remains—How are these Salaries to be paid? To which we answer, By taking from the Governors their thirds of all Seizures under the statutes for regulating the Plantation Trade: for having been witness to many acts of oppression and injustice which have resulted from the total dependency of the Judges of the Court of Vice-Admiralty (in which those seizures are prosecuted) upon the Governor, we say, *this third is a temptation to iniquity, which all Governors have not been able to withstand; and that, in some instances, the Judges of this Court have had their decisions most shamefully dictated to them, by the Governor.*

As therefore it is better Policy to *take away* one temptation to sin, than to provide fifty *punishments* for an offence, we would advise that this *Stumbling-block* should at once be thrown out of the way of all His Majesty's Governors, and be granted to the Crown, for the particular purpose of supporting those two Judges. This will be building a Temple to Justice, out of the spoils of Iniquity. But if this fund should not be found sufficient for the purpose, let the Colonies pay the deficiency, in lieu of *all Fees*; which we presume they would gladly do.

If one further improvement may be suggested, it would be the *independence* of the Colonial Judges—and that this may speedily take place, must be the devout Prayer of every friend to Justice, who has had such opportunities as have fallen in our way to perceive the many shameful abuses which have proceeded from their dependency upon the Governors abroad;—we do not say these Judges ought to be put upon exactly the same footing as the Judges in England. Let the *King* (if necessary) retain the power of suspending, or even of removing them (for he neither can, nor will, do wrong) but, in God's name, take that power from the

* In several of the Colonies the Assistant Judges are paid by Great-Britain, so that, in those, this Plan might be carried into execution without any additional expence. It would indeed be no inconsiderable amendment if, in order to get Lawyers to accept Seats upon these benches, the number of the Judges were still further reduced. The Supreme or General Court has in most of the Colonies, a Chief Justice and three Assistant Judges; the former is *sometimes* a Lawyer, the latter *very seldom* are. Instead then of *four* Judges, let them be reduced to *two*, and let both be *Lawyers*. Let the second Judge have the Court of Admiralty, and if a Master of the Rolls cannot be afforded, why let the Court of Chancery remain as it is. This will be a *saving of expence*.

A P P E N D I X

No. I.

For the BAHAMA GAZETTE.

Mr. WELLS,

THE present situation of these Islands, in a time of profound foreign and domestic tranquillity, deliberately deprived, by the executive authority, of all the benefit of the laws, exhibits a political phenomenon unexampled in the history of any other British Government.

The most valuable birth-right of every British subject is that of "applying to the Courts of Justice for redress of injuries." "And since the law," says the learned and elegant Blackstone, "is in England, the supreme arbiter of every man's life, liberty, and property, Courts of Justice must at all times be open to the subject, and the law be duly administered therein."

Nullo vendamus, nulli negabimus, aut differamus, rectum vel justitiam, are the emphatical words of Magna Charta; and therefore, according to Sir Edw. Coke, "every subject for injury done to him in bonis," (which in this part of the world I beg it may be remembered includes *Slaves*) "in terris, vel personis, may take his remedy by the course of law, and have justice and right for the injury done to him, freely, without sale, fully, without any denial, and speedily, without any delay."

This is still farther confirmed by the glorious declaration of the rights and liberties of the subject, stat. 1st William and Mary, stat. 2. cap. 2. the very first article of which declares, "that the pretended power of suspending of Laws, or the execution of Laws, by Royal Authority, without consent of Parliament, is illegal."

Such then being the clear Law of the land, let us see how far the Administration of Justice at present quadrates with it in this Government.

Our *General Court* possesses all the Jurisdictions of the Courts of King's Bench, Common Pleas, and Exchequer in England; and is moreover our only Court of Oyer and Terminer and General Gaol Delivery; so that its jurisdiction is as *general* as its name, and this to the exclusion of any other

other Court whatever. Yet this Court has for some time past, *been shut against the application of His Majesty's Subjects for redress of their injuries.*

Every body here knows from what circumstance this stoppage of public Justice originated; it began with the sudden departure of the Chief Justice, John Matson, Esq. who, upon the 7th or 8th of April, embarked for Europe, in a vessel bound to Glasgow, and has since been completely effected by the suspension of the Assistant Judges.

I verily believe it ~~was not sufficiently foreseen or known~~, how many ill consequences would necessarily follow from thus totally vacating our only Court of Judicature. Permit me to enumerate such as immediately occur to me.

1st.—Tuesday, April the 22d, was the day to which the Court was adjourned at its last meeting, and was also the quarterly *day in Bank*, or *Return day of May Term*; but, there being *no Judges*, there was of course *no Court*.

2d.—The process of the Court has in various instances been refused since Mr. Matson's departure. Indeed, as the Act of Assembly requires that all writs issuing out of the Court shall be signed by one of the Judges, and *as there is no Judge*, of course no writ can issue; so that the Debtor may now laugh at the demands of his Creditor; the strong may lay violent hands upon the weak, and may, at pleasure, injure his property, or hurt his person.

3d.—The writ of execution, called *Fieri Facias*, binds the personal property of the defendant from the time of its being delivered to the Officer, so as to defeat any subsequent transfer; but as these writs cannot now be obtained, judgments to the amount of several thousand pounds (*g*) at present lie useless, and the Plaintiffs will probably, in many instances be deprived of any future benefit from them; for there is now nothing to prevent the Defendant from selling his Negroes, and other personal property, which in these Islands is the principal property of the inhabitants.

4th.—As no Court was held upon the 22d of April, agreeable to the last adjournment, and *as required by law*, a total *Discontinuance* of all the suits then pending was a necessary consequence.

5th.—By that discontinuance all the Writs issued since last January return, fall to the ground; the bail bonds taken upon those writs share the same fate; thirty or forty actions (*b*), some of which had been pending for two or three years, are lost; and the Plaintiffs in many instances are without redress, unless perhaps in England, under the Statute of 11 and 12 Will. 3. cap. 12. upon the ground of *oppression*.

6th.—The benefit of the Habeas Corpus, that second palladium of British liberty, is in effect taken away; for there is now no Judge in these Islands competent to grant that writ. In England indeed it may

(g) Upwards of 17,000l. sterling.

(b) Forty-four suits, for upwards of 18,000l. sterling.

be granted by the Chancellor; but in the Colonies, where the Chancellor is Governor, it would be as improper to apply to him for an *Habeas Corpus*, as it would be in England to make a similar application to His Majesty in person.

Yes, Sir, all these mischiefs might have been prevented by giving a Judge's Commission to any person, with directions merely to open and adjourn the Court, in the same breath of the Cryer, once in three months.

No doubt this whimsical suspension of the execution of the Laws will prove extremely convenient to *certain persons*, but it can be justified upon no principles whatever, for the King's Courts, as I have before shewn, *must always be open to the subject*, except in time of actual invasion, or rebellion, or such other *public confusion*, as must necessarily render the administration of Justice *impossible*.

Now, Sir, I beg to be informed in what instance, since the arrival of our present Governor (to go no further back) there has been any "*confusion*" in any of the "*Courts*" within these Islands, or in what instance any Judge, Justice, or other Magistrate, or any Sheriff, Marshal, Bailiff, Constable, or other Officer, has been opposed in the discharge of his duty, or in the execution of any, the most illegal, process?

Miserable however as our present circumstances are, they are not without remedy! far as we are removed from the fostering care of the parent state, we are still within her reach! and two prosecutions now pending, before the most august tribunal in Europe, assure us that Justice may be obtained for injuries offered to British Subjects, *in the most distant parts of the Empire*.

Nassau, 30th April, 1788.

A BARRISTER.

No. II.

Bahama Islands, }
New Providence, ff. }

JOHN KERR and WILLIAM WYLLY, of the town of Nassau, in the Island of New Providence, Attorneys at Law, being duly Sworn on the Holy Evangelists of Almighty God, make Oath and say, that these Deponents have respectively and severally, within ten days last past, demanded from Peter Edwards, Esquire, Prothonotary of the General Court, the Writs and Process of the said Court, in various Suits in which they these Deponents are retained as Attorneys, but in none of these aforesaid instances and cases have been able to procure such Writs and Process; and that these Deponents, in answer to their aforesaid applications, have been informed by the said Peter Edwards, that the Chief Justice had called at the Prothonotary's Office, on the morning of his departure for Europe, *and took away the Seal of the said General Court*; and that His Excellency Lord Dunmore had told him the said Peter Edwards (in consequence of an Official Application to His Lordship for the Seal) "that no more Writs should be issued out of the said General Court, until

"the Lawyers learned to treat the Judges with more respect," or to that effect. And these Deponents further make Oath, that by the aforesaid Denial of the Process of the General Court their clients have been, and now are, deprived of the benefit of Execution on Judgments to the amount of several Thousand Pounds Sterling; and these Deponents further make Oath, that yesterday, to wit, Tuesday the twenty-second day of this April, was the day to which the said General Court was adjourned at its last meeting, and was also the quarterly return day of the Writs and Process of that Court; yet that no Court was thereon held, as by an Act of the General Assembly is required, whereby all the actions brought since the last February Return, are virtually discontinued, as are also, as these Deponents apprehend, at least twenty-five Suits, for several Thousand Pounds, which were pending in the said General Court. And these Deponents further make Oath, that they have principally resided in the Town of Nassau since the arrival of His Excellency the Right Honorable Lord Dunmore in this Government:—that during all that period, and to the time of this deposition, the Island of New Providence has been in a state of profound peace; and that, in all that time, to the best of these Deponents knowledge and belief, there hath been no Rebellion, Invasion, Mob, Rout, Riot, or unlawful Assembly of white people, in the said Island of New Providence, or any other of the Bahama Islands; and that to the best of these Deponents Knowledge and Belief, no violence or opposition has, in any instance whatsoever, during all that period, been made, offered, attempted or threatened against any process of the said General Court, or any other Court within the said Bahama Islands, or against their process, or against any of their Judges, Justices, Magistrates or Officers.

Sworn the 23d day of
April 1788, before us

ROB. SCOTT, J. P.

STEPH. HAVEN, Not. Pub.

JOHN KERR.
WM. WYLLY.

We, the undermentioned, Inhabitants of the Town of Nassau, in the Island of New Providence, do attest and declare, that we believe the several facts set forth in the above Affidavit to be strictly true, so far as they relate to judicial proceedings; and we declare, of our own knowledge, that they are true, as far as relates to the peaceable situation of these Islands.

(Signed) Tho. Brown, late Lieut. Col. W. Lyford

Comm. K. Rangers

John M'Intosh

John Wells

Tho. Forbes

Alex. Drysdale

Steph. Haven

J. M. Tattnell

Dugald Forbes

Alex. Begbie

Peter Bethune

John Halbert

W. M'Leod

W. Alexander

Lewis Christian

James Wallace

John Ruffel

George Kimp

Alexander M'Queen

Rob. Leslie

No.

New Providence Petition and Adjuncts

To His Excellency the Right Honorable the Earl of Dunmore, His Majesty's Lieutenant and Governor General of the Bahama Islands, &c.
The Memorial and Representation of the Subscribers, Merchants, Farmers, and others, in relation to the said Islands.

Sheweth,

THAT your Memorialists anxiously expected the arrival of your Lordship, as Governor in this Country, being satisfied that, to have their grievances redressed, and every cause of uneasiness removed, they had only to place them to your Lordship in a constitutional, and becoming manner:

That relying upon the dissolution of the present Assembly, as a measure which has commonly taken place, upon the accession of a new Governor in the Colonies, your Memorialists were disposed to avoid any application to your Lordship upon a subject, in which their feelings, and the true interests of these Islands, are very deeply interested.

That being actuated by this consideration, and a strong desire to preserve harmony in the community, your Memorialists have hitherto forbore to bring forward the following representation of facts, to which they earnestly request your Lordship's most serious attention.

That the Loyalists who, in consequence of their attachment to His Majesty's Government, were obliged to abandon the Colonies on the Continent of America, at present form a large proportion of the Inhabitants, and possess a very considerable share of the property, in the Bahamas. But to say nothing of their merits as sufferers in the cause of their Sovereign, it cannot be denied that to their exertions and industry, is chiefly owing the present consequence of this hitherto obscure Colony:—Here they have established the culture of a staple commodity, which promises opulence to the inhabitants, with material advantage, as well to the Manufactures, as to the Trade and Navigation of the Mother country.

That those Loyalists, with many others, the Inhabitants of these Islands, consider themselves *unrepresented* in the present Assembly; and that the Planting and Commercial interests of the Colony are in the same predicament.

That by reason of the unhappy dissensions which prevailed at the time of, and immediately after, the last General Election, *about three years since*, many persons elected representatives, in some instances refused, and and in others *were not admitted*, *as the case stands*.

That since the last General Election, the Colony hath gained a great accession of New Inhabitants, including many of your Memorialists, who all fervently hope *that party dissensions may never be renewed*.

That your Memorialists hold it unnecessary to enquire into the merits or characters of the contending parties; they mean only to represent to

Respectfully

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your

your Lordship, that the persons composing the present Assembly are not the representatives of the people now inhabiting the Bahamas, nor do they possess their confidence.

That the peace and prosperity of His Majesty's Subjects, under your Lordship's Government, your Memorialists are convinced, are objects which your Lordship has much at heart; to establish the one, and promote the other, a free and equal representation of the people, in all the apprehensions of your Memorialists, indispensably necessary.

That your Memorialists entreat your Lordship to consider this application not as the effect of a factious disposition, but as the sentiments of *all* the American Loyalists settled in these Islands, (with very few exceptions) and of *many others of the inhabitants*.

That the event of a new Election will determine how far your Memorialists are right in this assertion; for if the Members of the present Assembly possess the confidence of the people, they will be again returned; if they do not (as your Memorialists allege) others will be elected, and in either event, the Inhabitants at large will be fairly represented.

That your Memorialists, when they ask for a share in the Legislation of the Colony, by their representatives, conceive they only require what is their right, in common with all British Subjects.

Your Memorialists therefore humbly pray your Lordship to dissolve the present House of Assembly, and to order new Elections, that a free and equal representation of the people may take place.

Nassau, Jan. 2, 1788.

His Excellency's Answer.

Gentlemen,
I do not think it expedient for His Majesty's service, to dissolve the House of Assembly at this period.

Nassau, Jan. 18th, 1788.

DUNMORE.

No. IV.

Exuma Petition and Answer.

To His Excellency the Right Honourable the Earl of Dunmore, His Majesty's Lieutenant and Governor General of the Bahama Islands, &c. &c.

The Address and Memorial of the Planters and other Inhabitants of the Island of Exuma.

May it please your Lordship,

WE, His Majesty's loyal and faithful subjects, the Inhabitants of Exuma, beg leave to congratulate your Lordship on your arrival in this Government.

Deeply

deeply impressed with the knowledge of His Majesty's goodness, in having appointed your Lordship his Governor and Chief of these Islands, we look forward with pleasure and confidence to the pleasing consequences, that must necessarily result to the inhabitants at large from your Lordship's Administration.

The Island of Exuma, my Lord, hath, contrary to the intentions of our most gracious Sovereign, been hitherto deprived of the Right of legislative representation, a circumstance, which we should hold it unnecessary and superfluous minutely to mention; but which last likely to continue during the existence of the present House of Assembly.

We beg leave to assure your Lordship, we have every possible wish to promote the interests of His Majesty's Government, and to render your Lordship's Administration prosperous and happy. Possessing these Sentiments, we are extremely sorry, my Lord, to be under the necessity of representing to your Lordship, that the present House of Assembly do not, in the smallest degree, possess the confidence of the people; and your Memorialists are fully convinced, that nothing short of a dissolution can quiet the minds and apprehensions of a very great Majority of the Settlers on this Island, and restore consequence and dignity to Government.

We therefore humbly pray that your Lordship will take the premises into your consideration, and gratify the earnest prayers of your Memorialists, and the wishes of Community at large, by a speedy dissolution of the present General Assembly, and to direct that new Writs of Election be issued for a free Election and equal representation of the People.

Exuma, Jan. 5th, 1788.

His Excellency's Answer.

I return the Inhabitants and Planters of the Island of Exuma thanks for their congratulations on my arrival in this Government.

The Dissolution of the House of Assembly is a measure which I do not think expedient at this period.

Nassau, (New Providence) Feb. 14, 1788.

DUNMORE.

The Memorial and Representation of the Planters and other Inhabitants of the Island of Abaco.

No. IV.

Long Island Petition and Answer.

To His Excellency the Right Hon. John, Earl of Dunmore, Governor and Commander in Chief of the Bahama Islands, &c. &c. &c.

The Memorial of the Inhabitants of Long Island.

Humbly sheweth,

That your Memorialists, after having congratulated your Excellency upon your late arrival, humbly beg leave to lay before your Excellency their present grievances.

Yours

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Your

Your Memorialists, scattered in many of the Old Towns of this Country, as being ill calculated for the present Government of this growing Colony, however salutary they may have appeared when passed, and which now draw down the censure of your Excellency, than many of the present Members of the House of Assembly were illegally chosen, and are not considered as the proper Representatives of the people.

Your Memorialists further humbly beg leave to acquaint your Excellency, that many of the present Members, from their local situations, are no ways interested in Colonial plantings, and are therefore very unfit persons to make laws for the Government of this Colony, at present in a State of Infancy with regard to that valuable Article, which ultimately must become our chief Commodity.

Your Memorialists therefore humbly pray, that your Excellency will be pleased to dissolve the present Assembly, that your Memorialists may have it in their power to choose men, in whose abilities and judgment they can confide.

Long-Island, January 1, 1788.

His Excellency's Orders.

The Inhabitants of Long-Island may rest assured, that a Dissolution of the present Assembly shall meet with my most hearty concurrence, whenever it appears to me that such a measure will promote the interest of His Majesty's Government, and the prosperity of the Bahama Islands.

Nassau, New Providence, February 28, 1788.

DUNMORE.

Nov. 28. 1788.

Abaco Petition and Answer.

To His Excellency the Right Honourable the Earl of Dunmore, His Majesty's Lieutenant and Governor-General of the Bahama Islands, &c. &c.

The Memorial and Representation of the Planters, and other Inhabitants of the Island of Abaco,

Humbly sheweth,

THAT with minds impressed with the most favourable sentiments of your Lordship's character, and actuated by the purest principles of loyalty, your Memorialists take the liberty of suggesting, that having manifested during the late rebellion in America, an attachment and zeal, bordering on enthusiasm, in the best of Kings, and to the late King of Great Britain, they removed with the remains of their Families and Property to these Islands, convinced that in the most obscure and remote part of His Majesty's Dominions, they would enjoy those inalienable rights and privileges of the British constitution, for which, in defence of every part of Life and Fortune, they had fought in America.

Your

Your Memorialists therefore, most anxiously solicit you to contribute to the Ease and Prosperity of your Lordship's Administration; and to promote every measure which may conduce to the public Welfare; beg leave most respectfully to represent, that the Loyalists now settled in the Bahamas, form a very large proportion of the inhabitants, and possess a considerable part of the property therein; that, by their uncommon exertions in Planting and Commerce (subjects before little understood or wholly neglected), they have in the term of not more than three Years, rescued the Bahamas from insignificance, and demonstrated their value and importance to the trade and manufactures of Great-Britain.

That the Loyalists have, in general, settled in your Lordship's Government since the calling of the present General Assembly; and though they actually compose three-fourths of the inhabitants of these Islands, they are altogether unrepresented in the Legislature; that, strange as it may appear in a planting and commercial Colony, peopled as this is, there is scarce a Planter, a Merchant, or an American Loyalist, in the Lower House of Assembly; and so little does this branch of the Legislature enjoy the confidence of the people, that your Memorialists cannot persuade any Gentleman of consideration to represent them in it.

That your Memorialists therefore feel themselves subject to laws, they have no share in making—Laws which in general appear to them so glaringly absurd, contradictory, and impolitic, and in many instances so repugnant to the acts of the British Parliament, as to be totally inadequate to the purposes for which they were intended—That from the obscurity and ambiguity of some, the Trial by Jury is unnecessarily infringed, and from the impolicy of others, impositions are laid upon the export trade of this Country, unexampled in the annals of any British Colony; and notwithstanding very large Sums must necessarily have been collected from these, and other public Burthens, no previous appropriation has been made by law, nor any account of the receipt or expenditure of the same ever published.—That this Assembly thus composed, and so totally incompetent to legislate for the Colony, has been sitting for three years (a duration the Assemblies in the British Colonies and Plantations have rarely exceeded), and that from their experience of the whole period, your Memorialists are seriously and fully convinced, nothing short of a Dissolution of the present General Assembly can heal the dissensions which prevail in your Lordship's Government, and restore the people to that harmony and union, so essential to the well-being of every society, but more particularly necessary at so interesting a crisis as the present.

From a well-grounded assurance, that the true interest of this Country is the first object of your Lordship's wishes, your Memorialists are encouraged to hope for ample redress of every grievance.—Uninfluenced by any motive unworthy of themselves, and trusting to the rectitude of their intentions, they are persuaded that your Lordship will do them the Justice to believe, that as Loyalists and British Subjects, indissolubly bound by every principle of duty to the best of Sovereigns, and of affection for their Country

Country and Fellow-Subjects, they will be ready to be occasionally called upon, to testify, at the expense of Life and Fortune, the truth of their professions.

Your Memorialists therefore humbly pray, that your Lordship will take into consideration the matters which they have taken the liberty of representing, together with many other things upon the same subject, which cannot have escaped your Lordship's observation; and that your Lordship will be pleased to gratify the Prayers of your Memorialists, and the wishes of their Fellow-Sufferers, by a speedy dissolution of the present General Assembly.

Abaco, January 6, 1788.

His Excellency's Answer.

The Planters and Inhabitants of the Island of Abaco may rely upon it, that the true interest of this Country is the first object of my wishes, and that they will ever find me forward in promoting, as far as lies in my power, the prosperity of the Bahama Islands, to which, in my opinion, a speedy Dissolution of the present House of Assembly cannot have the least tendency.

Nassau, March 11, 1788.

DUNMORE.

No. VII.

Cat-Island Petition and Answer.

To His Excellency John, Earl of Dunmore, Captain General, Governor, and Commander in Chief of His Majesty's Bahama Islands, Chancellor Vice-Admiral, and Ordinary of the same, &c.

WE, the Inhabitants of Cat Island, beg leave to congratulate your Lordship on your arrival in this Colony.

While we are assured that the most beneficial and happy consequences must result from your Lordship's Administration, we cannot but be impressed with a lively and grateful sense of His Majesty's goodness, in having constituted your Lordship his immediate representative amongst us.

Your Lordship cannot but observe that this country, yet in its infancy, has to contend with many difficulties, which a wise and lenient administration can alone remedy and remove, and that the advances it has lately made in industry, population and commerce, are worthy the notice and attention of His Majesty's Government.

The Constitution of Great-Britain, my Lord, is perhaps the only one in the world, in which the blessings of Liberty are equally and impartially diffused; and we trust, my Lord, that a rigid and inflexible adherence to a system of Jurisprudence so beloved and applauded, will be the best and surest means of promoting the interests of the mother country, and of disseminating happiness and wealth to her distant Colonies.

THE

The Inhabitants of this Island have great cause to complain that they are excluded from a representation in the Legislative Council of the country, and their lives and property thereby rendered precarious and insecure. They are however assured that, under your Lordship's administration, every cause of complaint will be removed, and they will be put into possession of those blessings which they have a right to claim and enjoy.

We apprehend, my Lord, that nothing short of a dissolution of the present House of Assembly, and thereby returning to the sense of the people, will be productive of these happy and pleasing consequences.

Your Lordship may be assured that the Inhabitants of Cat Island have nothing so much at heart, as to add to the prosperity of His Majesty's Government, and to render your Lordship's residence in these Islands prosperous and happy.

Cat Island, Feb. 5, 1788.

His Excellency's Answer.

I am obliged to the Inhabitants of Cat Island for their Congratulations on my arrival in this Government. That the most beneficial and happy consequences may result to them, and the Inhabitants of the Bahama Islands in general, from my administration, is the height of my ambition, but, I am apprehensive, that is what a Dissolution of the present House of Assembly would not be productive of.

Nassau, March 15, 1788.

DUNMORE.

No. VIII.

Bahama Islands.—George the Third, by the Grace of God, &c. To all to whom these presents shall come, greeting. Whereas it hath been represented to our right trusty and right well-beloved Cousin John, Earl of Dunmore, our Lieutenant, Governor General, and Commander in Chief, in and over our Bahama Islands, that one George Lewis, a private Soldier in our 37th Regiment, stands accused of having killed a Christian woman named Mary Maize, and that John Dallen and John Keaton (a) Labourers, also stand accused of having broke open and robbed the Secretary's Office of our said Islands (b) for which said Offences they have not hitherto been brought to trial: Now know ye, that we being willing and desirous that Justice should be done and administered in the premises, in the most ample and extensive manner possible, agreeable to Law, do hereby specially require, assign and appoint our trusty and well-beloved

(a) These men have most probably been hanged, but I have not heard the event of their trials. There were at the same time four other Prisoners in the same Jail, for Petty Larcenies and other Offences; but as they could not be tried under this Commission, they probably remain there still.

(b) Of some Fees received for Lord Dunmore.

Grant, John Martin and Thomas Smith, Esquires (2), our Judges or Justices, as soon as conveniently may be after receipt of these presents, at such time as they shall think fit, at the Court-House, or other convenient place in the Town of Nassau, in the Island of New Providence, one of our said Islands, to inquire by the Oaths of good and lawful Men of our said Island of New Providence, and by any other ways and means, by which the truth of the matters may be better known and inquired into, the Felonies and offences aforesaid, according to the Laws of our Realm, and the Laws and (d) Customs of our said Islands, to hear and determine the same (3).

In Testimony, &c. 23d July, 1788.

(Signed)

DUNMORE.

No. IX.

To His Excellency the Right Honourable John, Earl of Dunmore, &c.

The Memorial of the Planters and other Inhabitants of the Island of Abaco, residing at Spencer's Bight,

Sheweth, That your Memorialists abandoned their connections and possessions in North-America, on account of their loyalty to their most gracious Sovereign, and came to this Island, preferring an obscure life under a British Government, to more affluent circumstances among the Enemies of their Country.

That they brought with them a number Slaves, whom they had legally purchased, by whose labour they have hitherto been enabled to support themselves with the necessaries of life.

That on the return of Captain Mackay from New Providence on Sunday the 4th (f) Instant, many of their Slaves (through the encouragement of Mackay, or his people) came in open day before your Memorialists faces, and put their baggage on board said Mackay's boat, saying that Mackay had declared to them he came with your Excellency's authority to take away "all the rebel property Negroes," as the annexed Affidavits will sufficiently prove (g).

That being prevented from going off in the boat, by the interposition of your Memorialists, many of the said Slaves absconded, whereby some of the Inhabitants are now even without their household-servants.

(c) A former Commission had, in the month of May preceding, been directed to the same three persons (one of whom is a Lawyer) and they then tried some prisoners for capital crimes. It is remarkable that the Grand Jury at that Court actually presented these Judges (to themselves) as being "incompetent to the charge." Vide Presentments at Nassau, 28th May, 1788.

(d) Query, What Customs are these?

(e) This special Commission seems to be of a very special, and rather modern, form, and does infinite credit to the Attorney-General, by whom it was drawn.

(f) This Mackay is Master of the Governor's Yacht.

(g) The Affidavits are too long to be inserted here; but they fully prove the facts stated in the Memorial.

Your

Your Memorialists beg leave further to represent, that they cannot believe it is your Lordship's intention to *dispossess this infant settlement, or to bring ruin and misery upon its Inhabitants.*

Your Memorialists therefore pray, that your Excellency will take the premises into your consideration, and grant them such speedy relief as their *critical situation requires*; otherwise they expect nothing less than an insurrection of their Slaves, and eventually to be obliged to relinquish their houses and plantations, destitute of every subsistence for themselves, their wives and children (*b*). Abaco, 6th May, 1788.

(Signed) Ph. Dumaresque, J. P. J. M. Moore, J. P.
John Ferguson, J. P. Abraham Martin
Jof. Smith, J. P. W. Armstrong, sen.
Rich. Pearis W. Armstrong, jun.
Martin Weatherford James Oneil.
John Cornish

No. X.

To His Excellency the Right Honourable John, Earl of Dunmore, His Majesty's Governor, &c. &c. &c.

The humble Address of the undersigned Planters and other Inhabitants of Spencer's Bite, on the Island of Abaco.

May it please your Excellency,

WE, his Majesty's most dutiful and loyal subjects, the Planters and other Inhabitants of Spencer's Bite, beg leave to express to your Lordship the extreme gratitude which we *now* feel for the happy consequences of your arrival among us.

The salutary effects which are likely to ensue from the fair, candid, and impartial Trials which have been afforded our run-away Slaves, and the quiet and peaceful restoration of most of them to their lawful Owners, are events for which we cannot be sufficiently thankful to your Lordship and the Gentlemen composing the Court.

Signed as the preceding.

No. XI.

Presentments of the Grand Jury, at a Special Court of Oyer and Terminer and General Gaol Delivery for the Bahama Islands, held at Nassau, 28th May, 1788, before Michael Grant (*i*), John Martin, and Thomas Smith, Esquires, &c.

" WE present as a grievance the shutting up of the General Court, whereby the Execution of the Laws is suspended, and the community is deprived of all manner of Security for their property.

(*b*) In consequence of the foregoing Memorial, an *illegal* Court was soon after held on the Island of Abaco, by special Commission from Lord Dunmore, and under his immediate inspection, as we have before mentioned (p. 22.) after which his Lordship received the Address, No. X.

(*i*) This Mr. Grant is Judge of the Court of Vice-Admiralty.

G

" We

- " We present as a grievance, that the Judges appointed have not been regularly bred to the Law, and therefore incompetent to the charge (k).
 " We present as a grievance the present mode of trying the freedom of Negroes by three men, whereby Negroes are encouraged to slip from their Masters, under pretended Claims of Freedom (l).
 " We present the settlement of Free Negroes behind Government House (m) as a most enormous nuisance, in harbouring run-away slaves, and insulting several people who have gone in search of their property.
 " We present as a grievance, that the Laws made for the Government of Negroes, &c. in these Islands, are greatly neglected, and the Offenders are not immediately brought to punishment (n).
 " We present as a grievance the establishment of a Post-Office on the present footing, the postage of letters being so high that it is a heavy tax on the trading part of the Community, and for no other purpose than the support of the Post Master (o).

No. XII.

Bahama Islands, &c.

To the Provost Marshal of the Bahama Islands, his lawful Deputy, and Constables, and other Peace Officers of the Island of New Providence, and to the Keeper of the Gaol at Nassau in the said Islands.

WHEREAS the persons herein after named are persons of ill-fame, without any visible honest means of supporting themselves (p), and there being great suspicion of their endangering the lives and properties of His Majesty's subjects in the said Island of New Providence, there are appointed in His Majesty's name to charge and command you to apprehend and take

(k) Notwithstanding this presentment, the same Judges were appointed in another Commission (Append. No. VIII.) in July following.

(l) This very extraordinary Tribunal had been presented as a grievance at a former Court.

(m) A considerable village has lately been built by freed and runaway Negroes, "behind Government House." It is an Asylum for runaways and Negro Offenders of every description, and no white Person dares make his appearance within it, but at the risk of his life. Many have been assaulted, and nearly destroyed there; and though several of the Offenders have been prosecuted to conviction, the Governor has interposed, and protected them from punishment.

(n) See the preceding Note, and Note (g) under Appendix, No. IX.

(o) Strange stories have been told about the seditious, turbulent disposition of the *Loyalists* settled in the Bahama Islands, and it may perhaps be imagined that the Grand Jury, by whom the above Presentments were made, consisted principally of persons of that description. But the fact is, that only six *Loyalists* were upon that Jury, and that the Foreman and another of the Jurors (besides being *Old Inhabitants*) were *Members of the Assembly*.

(p) These were a band of Irish Vagrants, who had by some means been put on shore upon one of the uninhabited Islands, from whence they found their way to New Providence, where they for some months found employment; but returning to their old courses, they became a very great pest to the Inhabitants, and many of them were prosecuted for different felonies by the Attorney-General. But as he found it impossible to conceive an indictment under which any of them could be hanged, the Governor undertook to do the business for him—ordered them to be apprehended, which was done under this warrant, chartered a Vessel for the purpose, and shipped them off without further ceremony to one of the American States.

the

the bodies of Walter Gibbons, John Wrayle, Mary Thornton, Judith Kelly, Mary Holmes, Thomas Dawson, Effier Daniel, Walter Mooney, Edward Short, Biddy Ferguson, Nicholas Baily, James Neil, James Burns, Barnard Doyle, Mary Burke, Mary Galvin, Nell Connor, Jane Mooney, Mary Cork, Mary Farlie, Bersey McGowan, Thomas Daniel, Bridget Stacey, and Thomas Glynn (g), and them to bring before me, to give good and sufficient security for their good behaviour, and in neglect thereof to deliver them to the Custody of the Keeper of the Common Gaol at Nassau aforesaid. Wherein His Majesty's name I charge and command to receive the bodies of the persons above named into the said Gaol, and them there to detain until they shall give such security as aforesaid.

Given under my hand and seal, at Nassau, this twelfth day of July, in the year of our Lord, one thousand seven hundred and eighty-eight.

(Signed) E. R. WEGG, Att. Gen. (r)

No. XIII.

To the Right Honourable Lord Sydney, one of His Majesty's Principal Secretaries of State, &c. &c. &c.

The Representation of the Merchants of London trading to the Bahama Islands, Sheweth

THAT the said Islands, very prejudicial to the Trade of this Country, have for upwards of four years last past, prevailed in His Majesty's Bahama Islands.

That those said Islands have, of late, been exceedingly heightened, and seem in a great measure to be occasioned by the want of a *respectable Government, and the Administration of Public Justice.*

That several Laws passed by the present Assembly appear to be *oppressive, and injurious to the Trade of those Islands*, particularly the Acts for imposing duties, and establishing a Post-Office (s), and that infinite confusion seems to have been occasioned by a late Amendment of their Negro Law.

(g) It happened however that a Baker in Nassau, one Michael Speety, had a very sober, industrious fellow of an apprentice, whose name was Thomas Flynn. Unfortunately too this poor fellow was a *Native of Ireland*, and his name was so very like that of the person last mentioned in the above curious warrant (Thomas Glynn) that the Officer conceiving some mistake might have been made, and being in doubt whether it was not intended that *he* should be apprehended, to make sure work of it, he lodged Flynn, as well as Glynn, in gaol with the rest of their country people. When Flynn's Master (who had paid a round price for him) was informed that his apprentice was in gaol, he went and inquired, "What offence he had committed?" *None that the Quaker knew of.* Why then was he locked up? *In order to be transported.* For what reason? *He was one of the Irishmen.* By whose order was this done? *By the Governor's and Attorney General's.* Speety offered any security for the lad's appearance and good behaviour, but none was wanted, or would be received. No Habeas Corpus could be obtained (there being no Magistrate left in the Government competent to grant one) and Mr. Thomas Flynn, as well as Mr. Thomas Glynn, and the rest of their countrymen and women, were sent as a present to the Congress.

(r) This warrant does the Attorney-General almost as much Credit as his *Special Commission.*

(s) By this Act a heavy Postage is imposed upon all Ship-letters—That of a single letter is 5 d. sterling; for a double letter 10 d. All of which (except one penny for each letter to the Master of the Vessel) is given to the Post-Master for his trouble in receiving the letters, and delivering them out *when called for.* The Post-Master, however, is a very shrewd, clever fellow, who leads the House of Assembly as he pleases. He is therefore

That some very extraordinary seizures (even of specie) have been made, which appear to us *oppressant to the Trade*, and have perhaps in a great measure defeated the beneficial intentions of the Free-Port Act (1).

That we cannot but be *alarmed at the suspension of Public Justice* (2) (in consequence of the shutting up of the General Court) which has prevailed throughout those Islands since the month of April last, and which has not only been already productive of many ill consequences to us, our Agents and Correspondents there, by preventing the recovery of large sums of money, which ought long since to have been remitted to England—but *warns us that it may be prudent to contract, or perhaps withdraw, our commercial views from a Colony where the Trade seems to be so little under the protection of the Laws; and we therefore trust a full explanation will be required of the reasons which led to that extraordinary measure.*

That impelled by a regard to our Interests, as Merchants deeply concerned in the Trade of those Islands, we pray that the foregoing may be taken into the consideration of His Majesty's Ministers; not doubting but if the complaints which have so loudly been made (3) shall appear to be well founded, they will meet with that effectual relief, which not only the circumstances of that growing Colony seem to require, *but which shall be due to the character of the Parent State.*

(Signed) Paul Le Mesurier
Strachan and M'Kenzie
Simpson and Davidson
John Tunno
John Hodgson
Warden, Dearman and Co.

Phyn, Ellices and Ingis
Brickwood, Pardon and Co.
Berbeck and Blakes
Richard Fennel
Rob. Smythson and Co.
Rob. Wells (3).

therefore extremely useful to the Governor, who indeed could not manage matters without him; and being in rather involved circumstances, this Act was passed merely for his support. See Presentments of the Grand Jury.

(1) This perhaps alludes also to some (one or two) seizures made by the Governor in person.

(2) By the latest accounts from New Providence, dated the 24th of December last, it appears that the General Court still remained shut.

(3) For the express purpose of explaining these to the Ministry, and with abundant documents to substantiate them, the Author is sent to England by the principal Planters and Merchants of the Bahama Islands, and at their private expence. He therefore laid manuscript copies of this Pamphlet before Lords Hawksbury and Sydney, as being the Servants of the Crown principally entrusted with the direction of Colonial matters: To the last mentioned noble Lord he also delivered Memorials from upwards of thirty persons in the Bahama Islands, praying for redress of so many specific injuries received by them from the Governor. By Lord Hawksbury the Author was honoured with a polite reception; but from Lord Sydney, neither himself, his Pamphlet, nor his Memorials have met with any sort of attention.

(3) A copy of this Representation, addressed to Lord Hawksbury, was delivered to his Lordship, by a Committee of the Bahama Merchants, on the 25th of November last. The Committee were politely informed by Lord Hawksbury, that the application ought, in the first instance, to be made to Lord Sydney; a Copy was therefore delivered upon the 6th of December, to Lord Sydney, by the same Gentlemen who had waited upon Lord Hawksbury. But whether they met, at the Secretary of State's Office, with the kind of reception they had a right to expect, we leave to themselves to determine.